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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,372	03/26/2004	George T. Domizio	03-284-2	2082

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EXAMINER	
REESE, DAVID C	

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/811,372	DOMIZIO, GEORGE T.	
	Examiner	Art Unit	
	David C. Reese	3677	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) *12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-11, drawn to a toggle bolt apparatus, classified in class 411, subclass 002.

II. Claim 12, drawn to a method for positioning a threaded member in a molded article, classified in class 29, subclass 4.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, over-molding is a general method describing a process that can be used with a variety of other articles, such as fasteners, for example, when attaching a device to a substrate.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with George Coury on 11/30/2004, a provisional election was made with traverse to prosecute the invention of I, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claim 12 is

withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Status of Claims

[1] Claims 1-11 are pending.

Claim Objections

[2] Claims 2 and 11 are objected to because of the following informalities: grammatical errors. In Claim 2, "releasbly," and in Claim 11, "reading."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

[3] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

[4] Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin US-6,789,776 in view of Kanie US-5,551,817.

Gavin teaches of a cast-in anchor attachment apparatus that comprises of a threaded anchor including an annular member whereby both shearing and receiving a tool for removal of the annular member are possible.

However, Gavin fails to disclose expressly a resilient section at the forefront of the annular member.

Kanie teaches of a fastener for attaching in one direction, which encompasses such a resilient section at the forefront of the stud.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the cast-in anchor attachment apparatus taught by Gavin, to incorporate a resilient member as taught by Kanie, in order to allow the anchor to remain more secure during the mold over process, as well as providing a more secure environment for the anchor during such manipulations as tightening the connection between the anchor and wall of which it is adjacent.

Now as for Claim 1, Gavin discloses a cast-in anchor attachment apparatus comprising:

a head portion having a central portion (Gavin in view of Kanie, substituting the head portion 25 in Fig. 1 of Kanie for 54 in Fig. 8 of Gavin), a rounded end extending from one end of the central portion (rounded portion at the top of 24 in Fig. 1 of Kanie) and at least one wing flexibly extending laterally with respect to a longitudinal axis of the central portion (24 in Fig. 1 of Kanie); and

a thread protector (50 in Fig. 8 of Gavin) comprising a threaded member (20 in Fig. 8 of Gavin) having a slotted head (92 in Fig. 9 of Gavin), the thread protector being releaseably connected to the central portion (Fig. 8 of Gavin).

As for Claim 2, Re: Claim 1, Gavin discloses a cast-in anchor attachment apparatus wherein the central portion has a solid base at an end opposite to the rounded end (23 in Fig. 1 of Kanie), and wherein the slotted head of the thread protector is releasably connected to the solid base (Fig. 8 to Fig. 7, as well as from part 3, lines 35-36, and the last paragraph of claim # 4 of Gavin).

As for Claim 3, Re: Claim 1, Gavin discloses a cast-in anchor attachment apparatus wherein the at least one wing comprises at least two wings extending laterally from opposite sides of the central portion (24 in Fig. 1 of Kanie).

As for Claim 6, Re: Claim 1, Gavin discloses a cast-in anchor attachment apparatus wherein the at least one wing extends outerwardly and rearwardly from the rounded head (24 in Fig. 1 of Kanie).

As for Claim 7, Re: Claim 1, Gavin discloses a cast-in anchor attachment apparatus wherein the at least one wing is hingedly mounted to the central portion at a hinged connection (the hinge following 24 to the top in Fig. 1 of Kanie).

As for Claim 8, Re: Claim 7, Gavin discloses a cast-in anchor attachment apparatus wherein a forward facing portion of the at least one wing extends forward from the hinge connection (forward facing portion of the wing, forward of the angle formed between 24 and the top in Fig. 7 of Kanie), and a rearward facing portion of the

at least one wing extends rearwardly from the hinge connection (rearward facing portion of the wing, 24 in Fig. 7 of Kanie).

[5] Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin US-6,789,776 in view of Kanie US-5,551,817, and in further view of Olson, Jr., US-6,406,236.

Gavin in view of Kanie teach of the above claims.

However, Kanie fails to disclose expressly ridges on the outer surface of at least one wing.

Olson, Jr. teaches of a panel fastener whereby on each wing are a number of ridges or ribs. The purpose of these ridges or ribs is to help support the fastener as it is inserted through a wall or panel.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the resilient means as taught by Kanie, to incorporate a set of ridges or ribs as taught by Olson, Jr., in order to create a more stable connection between the wings of the resilient means and the hole by which it is being inserted to via ridges or ribs; whose main purpose is fundamentally centered upon their use as primary support structures or possessing the ability to help assist holding structures.

[6] Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin US-6,789,776 in view of Kanie US-5,551,817, and in further view of Chang, US-6,679,712.

Gavin in view of Kanie teach of the above claims.

However, Kanie fails to disclose expressly of the resilient means having a longitudinal slot disposed along the central portion.

Chang teaches of a fixture for an electrical device that encompasses a resilient means including a groove as shown (143 in Fig. 6).

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the resilient means as taught by Kanie, to incorporate a longitudinal slot as taught by Chang in his resilient means, in order to, as Chang states, ("let the wedge portion 142 move elastically while passing through the through hole 131"). Thus, it is a design choice that will allow a more efficient passing through of the resilient means by improving the elasticity and flexibility of the means.

[7] Claim 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin US-6,789,776 in view of Kanie US-5,551,817, and in further view of Allen, 5,667,443.

Gavin in view of Kanie teach of the above claims.

However, Gavin fails to disclose expressly an annular member that comprises a longitudinal cutout positioned along the thread protector.

Allen teaches of a bolt including a cleaning thread point tip involving a longitudinal cutout, which can be viewed as (22 in Fig. 1 of Allen).

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the annular member as taught by Gavin, to incorporate a longitudinal

cutout as taught by Allen; in order to, as Allen states in his summary of the invention, ("enable the material, when the fastener is threaded into the port, to receive the foreign material"). Thus, the longitudinal cutout is an additional design choice to the original thread protecting qualities of the annular member, allowing another characteristic of keeping the threads clean. The longitudinal cutout as shown by Allen extends from a rear edge of the thread protector toward the slotted head, and ends before reaching the slotted head, as stated in Claims 10 and 11 of the applicant (22 in Fig. 1 of Allen).

Conclusion

[8] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Lauchner, US Patent Application Publication, US 2004/0047710; Dorris, 3,982,363; Stancati et al., 4,055,929; Easter, 6,132,154; Kennedy, 1,370,319; Kurlander, 4,086,840; Schaap, 4,834,601; Lambrecht et al., 6,594,870; Regan et al., 4,083,162.

[9] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROBERT J. SANDY
PRIMARY EXAMINER

Sincerely,
David Reese
Assistant Examiner
Art Unit 3677